

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL ACTION NO. 1:13-CV-004-MR-DSC**

CHARLES T. LEE, )  
                        )  
Plaintiff,         )  
                        )  
v.                    )  
                        )  
NORFOLK SOUTHERN RAILWAY     )  
COMPANY,            )  
                        )  
Defendant.         )

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**ORDER**

**THIS MATTER** is before the Court on Plaintiff's "Objection to Subpoena [and Motion to Quash]" (document #15) filed on October 9, 2013, as well as the parties' briefs and exhibits.

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1), and is now ripe for the Court's consideration.

Plaintiff credibly represents that he has produced documents responsive to the subject subpoena, except for those documents that are yet to be produced by the Veteran's Administration Hospital in Asheville, North Carolina (the "VA"). For this and the other reasons stated in Plaintiff's briefs, his Motion to Quash is granted in part and denied in part. that is, within ten days of receiving the responsive documents from the VA or any other third parties, he shall produce them to Defendant.

The parties shall bear their own costs at this time.

The Clerk is directed to send copies of this Order to counsel for the parties, and to the Honorable Martin Reidinger.

**SO ORDERED.**

Signed: October 28, 2013

  
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David S. Cayer  
United States Magistrate Judge  
